

REMARKS / ARGUMENTS

I. General Remarks

Claims 1-35 were originally presented for examination. Claims 15 and 32 have been deleted by this amendment. Accordingly, claims 1-14, 16-31, and 33-35 remain in this application.

II. Rejection of Certain Claims Under 35 U.S.C. § 102(b)

Claims 1-5, 8, 9, 11, 12, 15, 17, 19-23, 25-27, 32, 34, and 35 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Pat. No. 5,461,930 to Farchi et al. (the “Farchi reference”). As noted above, claims 15 and 32 have been deleted by this amendment. Furthermore, Applicant has amended independent claims 1 and 20 herein to recite that the fluid stream being measured in these independent claims comprises phases selected from the group consisting of: at least one liquid phase; and a solid phase and at least one liquid phase. In contrast to the methods and systems recited in Applicant’s claims, the Farchi reference discloses a device and method for use in measuring fluid streams that include gas phases. Accordingly, the fluid stream being measured in Applicant’s methods and systems is not the same as that being measured in the device and methods disclosed in the Farchi reference.

Furthermore, the Farchi reference describes a far more complicated device and method. For example, the embodiments described in Farchi generally require a minimum of five sensors: a volumetric flow meter, a temperature sensor, a pressure sensor, and either (a) two momentum meters or (b) one momentum meter and a densometer. *See* Farchi reference, Col. 3, ll. 16-24, 31-35; *see also id.* Col. 4, ll. 23-25 (“Because of the change in the specific volume of the gas ($v=p/RT$), measurement of the absolute pressure and temperature at all stages is

necessary.”). In contrast, Applicant’s systems and methods require the use of only two sensing devices, and do not require the measurement of absolute pressure and temperature. Still further, whereas Applicant’s invention requires solving two equations to determine values for two unknowns, the Farchi reference requires the iterative solution of integral equations, which is time-consuming and complicated.

Accordingly, Applicant respectfully submits that Applicant’s independent claims 1 and 20, as amended, and the claims dependent therefrom, are not anticipated by the Farchi reference. Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 102(b) against these claims, and further requests the timely issuance of a Notice of Allowance for these claims.

III. Rejection of Certain Claims Under 35 U.S.C. § 103

Claims 6, 7, 10, 13, 14, 16, 18, 24, 28-31 and 33 stand rejected under 35 U.S.C. § 103 as being unpatentable over the Farchi reference in view of prior art information. Applicant respectfully traverses.

As noted above, the Farchi reference discloses a far more complicated device and method than the simpler and unique systems and methods recited in Applicant’s claims. Applicant respectfully asserts that one of ordinary skill in the art could not begin with the Farchi reference and arrive at Applicant’s claimed systems and methods merely by incorporating general knowledge already in the artisan’s possession. Among other things, it would not be obvious to one of ordinary skill in the art in possession of the Farchi reference that several of the sensing devices required by Farchi could be dispensed with, or that simpler equations (such as those employed in the methods and systems of Applicant’s present invention) could be used than the integral equations disclosed in the Farchi reference.

Accordingly, Applicant respectfully submits that the referenced claims are not rendered obvious by the Farchi reference, and that the cited claims are novel and nonobvious over the art of record. Applicant respectfully requests withdrawal of the rejection of these claims under 35 U.S.C. 103, and further requests the timely issuance of a Notice of Allowance for these claims.

SUMMARY

In light of the above remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections. Applicantss further submits that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

As this Response is being filed on December 21, 2004, well in advance of the due date of January 5, 2005, Applicant believes that there are no fees due in association with this filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicant respectfully requests that the Commissioner accept this a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.,*) Order Number 063718.0280.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

New Figure 3 has been added. Support for the addition of this Figure derives at least from claims 16, 18, and 33, as well as various other portions in the Specification.